

Janet Clayton
Neosho, Missouri

Senator Grassley and distinguished members of this committee, thank you very much for inviting me to testify as a consumer today regarding my experiences with nursing home care.

For over six years, since 1993, my father has resided in a nursing home, located in the middle of our small town. My father practiced law in this community for more than 50 years, and served as a Circuit Court Judge. When my mother died, I became my father's guardian.

My father's diagnosis is Parkinson's disease. He is a private pay resident, and so far, including associated expenses, has spent about \$245,000 for nursing home care. All nursing home residents are completely vulnerable to the care their facilities choose to provide. With few exceptions, I spend about two hours daily with my father, and privately employ a person to often feed him.

To discuss my father's history of bedsores, skin tears, bruises, dehydration, pneumonia, and numerous urinary tract infections in today's short time would be impossible. I will only recount a recent injury that I believe demonstrates the critical need for more thorough complaint investigations.

On March 24 of this year, only five days after Division of Aging staff visited the facility to help obtain appropriate treatment for my father's two bedsores, he received a serious injury. This happened supposedly, according to facility reports, in the shower. Somehow, the top of my father's head was gashed open, and his hand and arm badly bruised. I accompanied him to the emergency room where he received stitches. I photographed my father's injuries.

There were supposedly two aides in the shower room with my father. One aide said she was busy drying the floor. The other aide claimed to be standing directly in front of my father, but her memory of what else she was doing at that time is inconsistent. My father hasn't walked since 1993, and his physical ability is so limited that he can't turn himself in bed. The story that he was able to throw himself (for no reason), past the standing aide is very difficult to believe. How could a 20 year-old aide be unable to break his fall or react faster than my sick, 85 year-old father? How could the top of his head receive such a deep gash?

The investigation didn't address these questions. The surveyor did not take photographs of the shower area. I asked. The emergency room physician was not interviewed, nor x-rays examined.

The report didn't eliminate the possibility of abuse, or that my father was negligently left alone and fell against a sharp object, -or was dropped. How often have residents been dropped or injured here? I know that other family members have complained about their loved ones' injuries such as fractured ribs, during the past year. Do all injury situations have to be identical to substantiate a pattern? If so, at whose expense?

Basically, the facility was cited only for failure to use the recently purchased reclining shower chair. Failing to use this new chair was not the only problem.

Residents' safety is dependent upon truly thorough investigations and appropriate citations. Incomplete investigations don't serve as deterrents (residents here continue to receive injuries in varying situations). Such reports distort statistics. There is already consumer confusion with facilities' self-reported incidents vs. family complaints, and with isolated incidents vs. pattern situations. So much is left to interpretation at a distance.

The President's Initiatives include ensuring that nursing homes are in compliance with standards before lifting sanctions. This facility was in noncompliance in 1994, 1995, 1996 and 1997. June 1998 this facility was again found to be in noncompliance, with a survey report of 34 pages. The next month, a revisit determined the situation unimproved and the report grew to 69 pages. December, 1998's revisit found "Continuing Failure to Attain Substantial Compliance." Yet in April 1999, a month after my father's injury, a survey team with a new leader finally found the facility to be deficiency free, the 'Seal of Approval'. As I write this, my father is recovering from recent blisters on his hip and a urinary tract infection. Wouldn't this facility qualify as a 'repeat offender', or as an example of 'yo-yo' compliance?

My testimony today has focused on my father's pain and injuries. But my experience with nursing home care also includes my aunt who resides in another area facility. Her experiences have included falls, cuts, pneumonia and over-medication.

I appreciate your forum allowing families to present pursuit of improved care for the helpless elderly in and programs being developed. But I stress the urgency of your help. For the residents every hour spent staring at a wall is so lonely, every day sitting wet is humiliating, every week without adequate food and liquid is inhumane, and every month with a bedsore is unbearable.